

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
GREENVILLE DIVISON  
Civil Action No. 4:24-cv-00051-M

CYNTHIA B. AVENS, )  
Plaintiff, )  
v. )  
FARIS C. DIXON, JR., District Attorney; ) MOTION TO EXTEND TIME TO  
VIDENT/ECU HEALTH MEDICAL ) ANSWER OR OTHERWISE  
CENTER DR. KAREN KELLY, Medical ) RESPOND  
Examiner; JOHN/JANE DOE;  
JOHN/JANE DOE; JOHN/JANE DOE,  
Defendants. )

NOW COMES Defendant Faris Dixon, District Attorney for Prosecutorial District 3, North Carolina, by and through Special Deputy Attorney General Chris D. Agosto Carreiro, for the limited purpose of moving, pursuant to Federal Rule of Civil Procedure 6(b) and Local Civil Rule 6.1(a) of the United States District Court for the Eastern District of North Carolina, for an order extending the time in which to file and serve a response to the plaintiff's complaint without waiving any defenses Defendant may have as to service of process and personal jurisdiction. In support of this motion, the undersigned shows unto the Court the following:

1. On March 22, 2024, the plaintiff commenced this action by filing a complaint. [DE 1]
2. On April 3, 2024, the plaintiff caused summons to be issued to Defendant. [DE 6]

3. Upon information and belief, District Attorney Dixon was served on April 4, 2024.

4. The time for Defendant to answer or otherwise respond to the plaintiff's complaint has not expired.

5. Undersigned counsel has had intervening deadlines in other District Court cases, which have prevented her from being able to fully investigate and analyze the claims in the time initially allowed to respond.

6. It is respectfully submitted that a thirty-day extension will allow sufficient time for undersigned counsel to meet her obligations in other matters and fully investigate and analyze the issues raised and claims asserted in this action in order to formulate an appropriate response to Plaintiff's Complaint on behalf of the Defendants.

7. Plaintiff consents to this extension of time.

8. This motion is filed in good faith and for the reasons stated herein, and not for the purpose of delay.

WHEREFORE, DA Dixon respectfully moves for an order extending the time to answer or otherwise respond to the plaintiff's complaint for thirty (30) days, up to and including May 29, 20234. Pursuant to Civil Rule 5.3 (f) of the Local Rules of Practice and Procedure of the United States District Court for the Eastern District of North Carolina, a proposed order granting the relief requested is attached and emailed to the appropriate Judge's e-mail address.

Respectfully submitted, this the 23rd day of April, 2024.

**JOSHUA H. STEIN**  
**Attorney General**

/s/ Chris D. Agosto Carreiro  
Chris D. Agosto Carreiro  
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State Bar No. 45356  
*Attorney for Defendant Dixon*

**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this day electronically filed the **MOTION FOR EXTENSION OF TIME** using the CM/ECF system, which will send notification of such filing to all the counsel of record for the parties who participate in the CM/ECF system and addressed to the following individuals:

*Cynthia B. Avens  
303 Riverside Trl.  
Roanoke Rapids, NC 27870*

This the 23rd day of April, 2024.

/s/ Chris D. Agosto Carreiro  
Chris D. Agosto Carreiro  
Special Deputy Attorney General  
N.C. Department of Justice